

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TYLER MILLER,)	
)	
Plaintiff,)	
)	
v.)	Case No: 3:20-cv-00313
)	
BRIGHTSTAR INTERNATIONAL CORP.)	Judge Waverly D. Crenshaw, Jr.
d/b/a BRIGHTSTAR CORP.,)	Magistrate Judge Alistair Newbern
)	
Defendant.)	

**DEFENDANT BRIGHTSTAR CORP.'S MOTION *IN LIMINE* TO EXCLUDE ANY
REFERENCE TO THE DURATION OF PLAINTIFF'S FURLOUGH PERIOD**

Defendant, Brightstar Corp. d/b/a Brightstar International Corp. ("Brightstar"), hereby respectfully moves this Court *in limine* for an order excluding all testimony concerning or relating to the duration of Plaintiff's furlough period. In support of this motion, Brightstar states as follows:

Plaintiff brings a single cause of action arising out of Brightstar's alleged breach of the Employment Agreement by placing Plaintiff on furlough and not continuing to pay his salary during the furlough period. (Dkt. 23, at ¶¶ 13, 15.) Plaintiff makes no allegation relating to the propriety of the length of the furlough period but instead focuses solely on Brightstar's act of placing him on furlough. The length of the furlough period is of no issue in this action. Yet, Plaintiff seeks to introduce evidence relating to the length of Plaintiff's furlough and/or Brightstar's position as to the propriety of the length of the furlough period. (*See* Pl.'s Resp., Dkt. 64, pp. 6–7, 11; Borkin Dep., 51:5-52:16, Dkt. 66-2.)

Allowing the introduction of such testimony would likely confuse and mislead the jury, unfairly prejudice Brightstar, and lead to undue delay in violation of Fed. R. Evid. 403. Plaintiff should therefore be precluded from introducing at trial all testimony and evidence relating to or

concerning to the length of Plaintiff's furlough and/or Brightstar's position as to the propriety of the length of the furlough period.

In further support of this motion, Brightstar submits and relies upon its contemporaneously-filed memorandum of law in support hereof.

WHEREFORE, Brightstar respectfully requests that the Court:

1. Enter an Order excluding all testimony and/or evidence concerning or relating to the length of Plaintiff's furlough and/or Brightstar's position as to the propriety of the length of the furlough period; and
2. Granting such further and other relief as the Court finds just and proper.

Respectfully submitted,

/s/ Peter C. Sales

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being served via the Court's CM/ECF system on the following on this the 27th day of May, 2021:

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